

Message Text

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TO AMEMBASSY OTTAWA

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E.O. 11652: N/A

TAGS: SENV, CA

SUBJECT: POPLAR RIVER

1. EMBASSY IS REQUESTED TO PASS THE FOLLOWING REVISED TEXT
OF A PROPOSED LETTER TO THE IJC TO USA DIVISION (BRADY) OF
EXTERNAL AFFAIRS.

BEGIN TEXT: "ON APRIL 8, THE COMMISSION'S INTERNATIONAL
AIR POLLUTION ADVISORY BOARD AND INTERNATIONAL SOURIS-RED
RIVERS ENGINEERING BOARD REPORTED ON THE PROPOSED COAL
MINING AND POWER GENERATION PROJECT OF THE SASKATCHEWAN
POWER CORPORATION ON THE EAST POPLAR RIVER NEAR CORONACH,
SASKATCHEWAN. THE BOARDS NOTED THE CONCERNS WHICH EXIST
WITH RESPECT TO POTENTIAL TRANSBOUNDARY AIR AND WATER
POLLUTION. IN ADDITION, THE INTERNATIONAL SOURIS-RED RIVERS
ENGINEERING BOARD RECOMMENDED THAT THE COMMISSION INSTRUCT
IT TO UNDERTAKE A STUDY OF THE POPLAR RIVER SYSTEM SO AS TO
SAFEGUARD USES OF WATER IN BOTH COUNTRIES AND TO ENABLE
EACH COUNTRY TO MAKE SOUND WATER DEVELOPMENT PLANS FOR
THAT AREA.

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THE COMMISSION, AFTER AN EXCHANGE OF VIEWS WITH COUNSEL FOR GOVERNMENTS AT ITS SEMI-ANNUAL MEETING IN WASHINGTON IN EARLY APRIL, DECIDED THAT FURTHER BOARD ACTIVITIES, IN

PARTICULAR THE PROPOSAL OF THE INTERNATIONAL SOURIS-RED RIVERS ENGINEERING BOARD TO CONDUCT AN APPORTIONMENT STUDY, WOULD BE DEFERRED PENDING THE RESULTS OF THE APRIL 15 MEETING IN REGINA, SASKATCHEWAN, OF FEDERAL, STATE AND PROVINCIAL OFFICIALS CONCERNED WITH THE PROJECT.

"THAT MEETING PERMITTED FURTHER DISCUSSION OF THE TRANS-BOUNDARY IMPLICATIONS OF THE PROJECT, AND IDENTIFIED THE APPORTIONMENT QUESTION AS THE MOST PRESSING MATTER BEFORE THE GOVERNMENTS IN LIGHT OF THE IMPENDING CONSTRUCTION OF A STORAGE DAM ON THE EAST POPLAR RIVER. THE AD REFERENDUM MEETING RECOMMENDED TO GOVERNMENTS, AND THE GOVERNMENTS AFTER CONSULTATION HAVE CONCURRED, THAT THE COMMISSION, PURSUANT TO THE REFERENCE OF JANUARY 12, 1948, AND IN PARTICULAR, NUMBERED PARAGRAPHS 3 AND 4 THEREOF, BE ENCOURAGED TO CONDUCT THE PROPOSED STUDY TO IDENTIFY EXISTING AND REASONABLY FORESEEABLE USES OF THE WATERS OF THE POPLAR RIVER SYSTEM AND ITS TRIBUTARIES, AND TO RECOMMEND AN EQUITABLE APPORTIONMENT TO SECURE THE INTERESTS OF BOTH CANADA AND THE UNITED STATES.

"PARTICULAR URGENCY IS ATTACHED TO THE NEED FOR INTERIM MEASURES TO PROTECT INTERESTS WHICH MAY BE ADVERSELY AFFECTED BY THE IMPENDING CONSTRUCTION OF THE STORAGE STRUCTURE ON THE EAST POPLAR, WHICH IS EXPECTED TO BE IN PLACE BY THE SPRING OF 1976. THE COMMISSION IS ACCORDINGLY ENCOURAGED TO ADDRESS IMMEDIATELY THE QUESTION OF THE NEED FOR SUCH INTERIM PROTECTIVE MEASURES, AND TO MAKE APPROPRIATE RECOMMENDATIONS TO GOVERNMENTS. THE COMMISSION SHOULD BE AWARE THAT INFORMAL DISCUSSIONS HAVE BEEN INITIATED BETWEEN THE PROVINCE OF SASKATCHEWAN AND THE STATE OF MONTANA WITH RESPECT TO THIS QUESTION.

"THE GOVERNMENTS WISH TO RESERVE FOR THE MOMENT THE POSSIBILITY OF FURTHER INVESTIGATION OF AIR AND WATER POLLUTION ASPECTS BY THE COMMISSION. ADDITIONAL ENVIRONMENTAL STUDIES ARE NOW IN PREPARATION BY CANADIAN AGENCIES. THE GOVERNMENTS WISH TO CONSIDER THESE, AS WELL AS THE REPORT IN PREPARATION BY THE COMMISSION'S INTERNATIONAL AIR POLLUTION ADVISORY BOARD, BEFORE DETERMINING WHETHER FURTHER INVOLVEMENT OF THE COMMISSION UNDER A NEW REFERENCE WOULD BE DESIRABLE.

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MENTAL STUDIES ARE NOW IN PREPARATION BY CANADIAN AGENCIES. THE GOVERNMENTS WISH TO CONSIDER THESE, AS WELL AS THE REPORT IN PREPARATION BY THE COMMISSION'S INTERNATIONAL AIR POLLUTION ADVISORY BOARD, BEFORE DETERMINING WHETHER FURTHER INVOLVEMENT OF THE COMMISSION UNDER A NEW REFERENCE WOULD BE DESIRABLE.

"A SIMILAR LETTER IS BEING SENT TO THE CANADIAN SECTION

OF THE COMMISSION BY THE CANADIAN DEPARTMENT OF EXTERNAL AFFAIRS. VERY TRULY YOURS, " END TEXT.

2. IN PASSING DRAFT, YOU SHOULD MAKE THE FOLLOWING POINTS ORALLY:

--WE ARE AWARE THAT INFORMAL DISCUSSION TOOK PLACE ON JULY 31 BETWEEN SASKATCHEWAN AND MONTANA OFFICIALS ON THE QUESTION OF INTERIM APPORTIONMENT MEASURES.

--THE PROPOSALS PRESENTED BY SASKATCHEWAN OFFICIALS AT THAT MEETING WERE CLEARLY UNACCEPTABLE TO MONTANA. OUR UNDERSTANDING IS THAT SASKATCHEWAN PROPOSED A RELEASE OF APPROXIMATELY TEN PERCENT (1,200 CFS) OF AVERAGE ANNUAL FLOW WITH MINIMUM OF 600 CFS DURING LOW FLOW PERIODS.

--THE DEPARTMENT OF STATE IS DOUBTFUL IF FURTHER DISCUSSIONS BETWEEN THE TWO PARTIES WILL RESULT IN A SETTLEMENT OF THE INTERIM APPORTIONMENT QUESTION WITHIN EXISTING TIME CONSTRAINTS. IT IS CLEAR THAT THE PARTICIPATION OF FEDERAL GOVERNMENTS WILL BE REQUIRED IN THE SETTLEMENT OF THIS ISSUE. FOR THIS REASON, WE BELIEVE THAT IT IS ESSENTIAL THAT THE IJC BE INSTRUCTED TO MAKE RECOMMENDATIONS ON INTERIM APPORTIONMENT MEASURES. WE WOULD EXPECT THAT INTERGOVERNMENTAL CONSULTATIONS WOULD BE HELD AFTER THE COMMISSION RECOMMENDATIONS ARE MADE TO GOVERNMENTS.

--AS THE FIRST IMPOUNDMENT IS SCHEDULED FOR NEXT SPRING, WE WOULD APPRECIATE EXTAF'S EARLIEST REPLY ON OUR PROPOSED TEXT.

--IN VIEW OF THE IMPORTANCE OF THIS MATTER, WE BELIEVE UNCLASSIFIED

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THAT THIS ISSUE SHOULD BE SETTLED NO LATER THAN THE MEETING AMONG FEDERAL, STATE, AND PROVINCIAL OFFICIALS SCHEDULED FOR AUGUST 26 IN HELENA, AND WOULD THEREFORE REQUEST THEIR RESPONSE TO OUR PROPOSED DRAFT AS FAR IN ADVANCE OF THAT MEETING AS POSSIBLE.

3. YOU SHOULD ALSO INDICATE TO BRADY THAT SASKATCHEWAN OFFICIALS HAVE NO APPARENT DIFFICULTY WITH AUGUST 26 DATE FOR HELENA MEETING. INGERSOLL

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